REMARKS

Claims 88, 89, 96, 102 and 106 are currently amended. Claim 97 is canceled. Reconsideration of this application in light of the amendments above, and remarks below is requested.

I: Terminal Disclaimer submitted on 18 December 2006

Applicants would like to correct a statement in the Terminal Disclaimer filed on 18 December 2006. While U.S. Patent Nos.: 5,837,517; 6,190,900 and 6,682,924 mentioned therein are "commonly owned", Novozymes A/S is not the owner of the entire interest as stated in the Terminal Disclaimer. Unilever PLC also has an interest in each of these patents. Moreover, as the patents listed in the previously presented Terminal Disclaimer (i.e., U.S. patent nos.: 5,837,517 (docket no. 4322.200), 6,190,900 (docket no. 4322.210) and 6,682,924 (docket no. 4322.220)) are severally owned, no Terminal Disclaimer is needed. It is respectfully requested that the Terminal Disclaimer entered on 18 December 2006 be withdrawn.

II. The Objection to Claims 96, 102 and 106

The Office objected to claims 96, 102 and 106. Claims 96, 102 and 106 are currently amended. Reconsideration is urged.

III. The Rejections under the Doctrine of Obviousness-Type Double Patenting

Claims 88, 89, and 95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of U.S. Patent No. 5,631,217. Claims 88, 92 and 95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 34, 56, 90, 111 and 121-123 of U.S. Patent No. 5,741,694. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 17-19, 23, 38-41, 45, 65-68 and 72 of U.S. Patent No. 6,605,458. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 10-12, 14, 20, 35-37, 39, 45, 60-62, 64, 70, 86-88, 90, 96, 111-113, 115, 121, 136-138, 140, 146, 161-163, 165, 171, 186-188, 190, 196, 211-213, 215, and 221 of U.S. Patent No. 6,773, 907. Claims 88-90 and 93-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 8, 9 and 22 of U.S. Patent No. 6,777,218. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being

unpatentable over claims 9-11, 13, 19, 33-35, 37, 43, 57-59, 61, 67, 81-83, 85, 91, 105-107, 109, 115, 129-131, 133, 139, 153-155, 157, 163, 177-179, 181 and 187 of U.S. Patent No. 6,780,629. Claims 88, 90, 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 6 and 7 of U.S. Patent No. 6,808,913. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 20-22, 25 and 26 of U.S. Patent No. 6,893,855. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 5, 8, 14, 18, 21 and 27 of U.S. Patent No. 6,921,657. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 19 of U.S. Patent No. 7,026,153. Claims 88-91 and 93-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 4, 5, 7, 8 and 16 of U.S. Patent No. 7,098,017. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 11 and 26 of U.S. Patent No. 7,109,016. Claims 88-90 and 92-95 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 25 and 27 of U.S. Patent No. 7,192,757. Claims 88, 90 and 93-95 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 16, 23, 26, 27, 41, 46, and 49-53 of U.S. Application No. 10/699,394. Claims 88, 90 and 93-95 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 25, 28, 29, 32-34 of U.S. Application No. 10/896,177. These rejections are respectfully traversed.

As set forth in Section 804.03 of the Manual of Patent Examining Procedures (page 800-34) (August 2006), "Claims in commonly owned applications of different inventive entities may be rejected on the ground of double patenting." Obvious type double patenting "requires rejection of an application claim when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly owned patent." See *In re Berg* 46 U.S.P.Q.2d 1226 (Fed Cir. 1998), quoting *In re Braat*, 937 F.2d 589, 592, 19 U.S.P.Q.2d 1289, 1291- 92 (Fed. Cir. 1991).

The instant application is not commonly owned with U.S. Patent Nos. 5,741,694, 6,605,458, 6,773,907, 6,777,218, 6,780,629, 6,808,913, 6,893,855, 6,921,657, 7,026,153, 7,098,017, 7,109,016, 7,192,757, 10/699,394, 10/896,177. In particular, the instant

application is owned by Novozymes A/S and Unilever PLC, whereas U.S. Patent Nos. 5,741,694, 6,605,458, 6,773,907, 6,777,218, 6,780,629, 6,808,913, 6,893,855, 6,921,657, 7,026,153, 7,098,017, 7,109,016, 7,192,757 and U.S. Application Nos. 10/699,394, 10/896,177 are owned by Novozymes A/S, and U.S. Patent No. 6,777,218 is owned by Novozymes A/S and Maxygen Inc.

With respect to U.S. Patent No. 5,631,217, this patent, like the instant application is owned by Novozymes and Unilever, thus no Terminal Disclaimer is needed.

For the foregoing reasons, Applicants submit that the claims overcome these rejections under the doctrine of obviousness-type double patenting. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. The Rejections under 35 U.S.C. 102 and 103

Claims 88 and 89 are rejected under 35 U.S.C. 102(b) as being anticipated by Lilley et al. Claims 88, 89, 95 stand rejected under 35 U.S.C. 102(b) as being anticipated by Branner et al., U.S. Patent No. 5,631,217. Claims 96, 101, 102 and 105 are rejected under 102(e) as being anticipated by Rasmussen et al. (U.S. Patent No. 6,110,884). Claims 96, 97, 101, 106 and 109 are rejected under 102(e) as being anticipated by Mulleners (US 6,287,841). Claims 96 and 99-117 stand rejected as obvious over Rasmussen and Mulleners in view of Brenner. The cited references disclose modified subtilases. However, none of these references disclose or suggest the modified subtilases recited in the claims as amended herein. Moreover, none or the references provide and motivation to make the modified subtilases recited in the claims as amended herein. Applicants therefore submit that the amended claims are not anticipated or obvious.

V. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: November 6, 2007

/Michael W. Krenicky Reg #45411/
Michael Krenicky Reg. No. 45,411
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212) 840-0097